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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 CLRB Hanson Industries, LLC, et al.,

NO. C 05-03649 JW

11 Plaintiffs,

**ORDER DENYING MOTION TO
INTERVENE**

12 v.

13 Google Inc., et al.,

14 Defendant.
_____ /

15 Presently before the Court is a Motion to Intervene as Plaintiff Under Fed. R. Civ. P. 24, and
16 Motion for Leave to File a Brief of Amicus Curiae. (hereafter, "Motion," Docket Item No. 322.)
17 The Motion is brought by "Bernard Madoff d/b/a Jonathan Lee Riches" ("Movant"), who seeks to
18 intervene pursuant to Rule 24(a)(2) and Rule 24(b). (Motion at 1.) The parties filed a timely joint
19 opposition. (See Docket Item No. 323.)

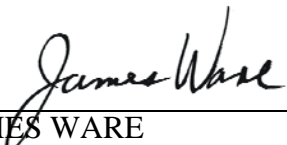
20 Under Rule 24(a)(2), a court must permit anyone to intervene who "claims an interest
21 relating to the property or transaction that is the subject of the action, and is so situated that
22 disposing of the action may as a practical matter impair or impede the movant's ability to protect its
23 interest, unless existing parties adequately represent that interest." Fed. R. Civ. P. 24(a)(2). Under
24 Rule 24(b), a court may permit anyone to intervene who "(A) is given a conditional right to
25 intervene by a federal statute; or (B) has a claim or defense that shares with the main action a
26 common question of law or fact." Fed. R. Civ. P. 24(b).

27 Here, although Movant represents that he has a "common vested interest and . . . documents,
28 emails, exhibits, and photographs related to this case," and that he is a "convicted computer hacker

1 with knowledge about Googles [sic] systems and hard drives,” he does not state why such
2 knowledge would be relevant to the class’ settlement. (Motion at 1.) Further, Movant is a member
3 of the class certified in this case. (Declaration of Markham Sherwood ¶¶ 1-2, Docket Item No. 323.)
4 Thus, Movant has failed to establish an interest relating to the property or transaction that is the
5 subject of this action. Further, Movant fails to make an adequate showing that he has a conditional
6 right to intervene pursuant to a federal statute, or that he has a claim that shares with a common
7 question of law or fact with this action. Thus, the Court finds Movant has not established sufficient
8 grounds for intervention under Rule 24.

9 Accordingly, the Court DENIES Movant’s Motion to Intervene as Plaintiff and for Leave to
10 File a Brief of Amicus Curiae.

11
12 Dated: June 19, 2009



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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17 Bernard Madoff d/b/a Jonathan Lee Riches
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21 **Dated: June 19, 2009**

Richard W. Wieking, Clerk

22
23 By: /s/ JW Chambers
24 **Elizabeth Garcia**
25 **Courtroom Deputy**
26
27
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